



UNITED STATES MARINE CORPS  
LEGAL SERVICES SUPPORT SECTION  
1ST MARINE LOGISTICS GROUP, MARFORPAC  
BOX 555607  
CAMP PENDLETON, CALIFORNIA 92055-5607

IN REPLY REFER TO:  
5813  
LSST-E/jmv  
15 Dec 10

From: Trial Counsel, (b) (6), Legal Services Support Team  
Echo  
To: Commanding Officer, I Marine Headquarters Group, I Marine Expeditionary  
Force  
Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

1. Per R.C.M. 1101(a), MCM, notification is hereby given in the case of  
United States v. (b) (6), a  
trial by Special Court-Martial occurring at Camp Pendleton, California,  
convened by the Commanding Officer, I Marine Headquarters Group, I Marine  
Expeditionary Force, Camp Pendleton, California.

2. Offenses, pleas, and findings: (b) (6), (b) (7)(C)

<u>Offense</u>	<u>Plea</u>	<u>Finding</u>
Charge I: Violation of the UCMJ, Art 81	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 1 September 2009 and 5 October 2009, conspire with (b) (6), U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: steal and sell stolen Advanced Combat Optical Gun Sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government, in violation of Articles 108 and 121 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) and his co-conspirator did: (1) purchase a lock pick set; (2) practice opening locks with the lock pick set; (3) go to the 14 Area Armory; (4) unlock the 14 Area Armory gate; (5) enter the 14 Area Armory; (6) enter a container; (7) take ACOGs; and (8) sell ACOGs.	Guilty	Guilty, Excepting the words "stolen Advanced Combat Optical Gun Sights (ACOGs), of a value of greater than \$500."
Charge II: Violation of the UCMJ, Art 108	Guilty	Guilty

ORIGINAL

EXHIBIT (22)

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Specification 1: In that (b) (6), U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 4 October 2009 and on or about 11 December 2009, without proper authority, sell to an unknown civilian Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government.	Guilty	Guilty
Specification 2: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6), U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government.	Guilty	Guilty
Specification 3: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6), U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government.	Guilty	Guilty
Specification 4: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to Lance Corporal Garrett M. Miner, U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government.	Guilty	Guilty
Charge III: Violation of the UCMJ, Art 121	Guilty	Guilty

ORIGINAL



Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, steal Advanced Combat Optical Gun sights (ACOGs), military property owned by the U. S. Government, of a value of greater than \$500	Guilty	Guilty
<b>Charge IV: Violation of the UCMJ, Article 130</b>	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, the property of the U. S. Government, with intent to commit a criminal offense, to wit: larceny of Advanced Combat Optical Gun sights (ACOGs), therein.	Guilty	Guilty, excepting the words "Advanced Combat Optical Guns Sights (ACOGs)," and substituting therefore "military property of the United States Government."
<b>Charge V: Violation of the UCMJ, Article 134</b>	Guilty	Subsumed into Charge IV
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, military property owned by the U. S. Government, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	Guilty	Guilty on all elements, however, for the purposes of findings and sentencing, the military judge merged this specification with Charge IV's sole specification.

3. Partial acquittal based on mental incompetence: N/A

4. Military Judge: (b) (6), U.S. Marine Corps.

5. Sentence adjudged:

Discharge: BCD	Confinement: 12 months
Reduction: E-1	Forfeitures: \$964 a month for 12 months
Additional punishment: None	Military Judge's recommendation: None

6. Date sentence adjudged: 15 December 2010. Automatic forfeitures become effective 29 December 2010 (14 days after date sentence was announced) unless written notice of deferment by the convening authority is received by authorities with responsibility for the accused's service and pay records.



Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Absent such written notice of deferment, action by those authorities in this case giving effect to the automatic sentence must occur by 29 December 2010. Trial counsel must be provided the originals of such written approved deferments for inclusion in the record of trial (R.C.M. 1103).

7. Credits to be applied to confinement, if any:

- a. Pretrial Confinement: 7 days.
- b. Judicially-ordered credits: None.
- c. Total credits: 7 days.

8. Sentence limitation terms of the pretrial agreement:

- a. Punitive Discharge: May be approved as adjudged.
- b. Confinement: May be approved as adjudged. However, all confinement in excess of 11 months will be disapproved.

c. Forfeitures and Fines:

(1) Adjudged Forfeitures: May be approved as adjudged, but a Dependant's allotment will be made as outlined below.

(2) Automatic Forfeitures: Automatic forfeitures (in the amount of \$1,667 per month) will be deferred provided that the accused establishes and maintains a dependant's allotment for his wife who suffers from disabilities and his two children in the total amount of the deferred forfeiture amount during the entire period of deferment. This Agreement constitutes the accused's request for, and the convening authority's approval of, deferment of automatic forfeitures (in the amount of \$1,667 per month) pursuant to Article 58b(a)(1), UCMJ. The period of deferment will run from the date automatic forfeitures would otherwise become effective under Article 58b(a)(1), UCMJ, until the date the convening authority acts on the Sentence. Further, this Agreement constitutes the accused's request for, and the convening authority's approval of, waiver of automatic forfeitures (in the amount of \$1,667 per month). The period of waiver will run from the date the convening authority takes action on the sentence for six months. The deferred and waived forfeitures shall be paid to Dawna M. Serrato, who is the accused's dependant.

- d. Fines: If adjudged, the fine will be disapproved.
- e. Reduction: May be approved as adjudged.
- f. Other lawful punishments: May be approved as adjudged.

9. DNA collection is required per 10 U.S.C. Sec. 1565:

\_\_\_\_\_ No ☒ Yes

\*Qualifying Military Offenses (QMO) for DNA processing are any offense under the UCMJ punishable by a sentence of confinement for more than one year (regardless of the sentence imposed). This includes Attempt (Article 80), Conspiracy (Article 81) or solicitation of another to commit a QMO (Article 134). See Undersecretary of Defense for Personnel and readiness Memo of 18

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Apr 05 for further guidance on Qualifying military Offenses. If collections required, collection may be effected before the convening authority acts.

10. Upon convening authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071:

☒ No ☐ Yes

See DODINST 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, July 17, 2002, Enclosure 27 for a list of offenses requiring sex offender notifications.

(b) (6)

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ORIGINAL





UNITED STATES MARINE CORPS  
LEGAL SERVICES SUPPORT SECTION  
1ST MARINE LOGISTICS GROUP, MARFORPAC  
BOX 555807  
CAMP PENDLETON, CALIFORNIA 92055-5807

IN REPLY REFER TO:  
5813  
LSST-E/jmv  
3 Dec 10

From: Trial Counsel, (b) (6), Legal Service Support Team  
Echo, Legal Services Support Section  
To: Commanding Officer, 7th Engineering Support Battalion, 1st Marine  
Logistics Group

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

1. Per R.C.M. 1101(a), MCM, notification is hereby given in the case of United States v. (b) (6), a trial by Special Court-Martial occurring at Camp Pendleton, California, convened by the Commanding Officer, 7th Engineering Support Battalion, 1st Marine Logistics Group, Camp Pendleton, California.

2. Offenses, pleas, and findings:

<u>Offense</u>	<u>Plea</u>	<u>Finding</u>
Charge I: Violation of the UCMJ, Art 81	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 1 September 2009 and on or about 5 October 2009, conspire with (b) (6), U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: steal and sell stolen Advanced Combat Optical Gun Sights (ACOGs), of a value of greater than \$500, the military property owned by the U. S. Government, in violation of Article 108 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) and his co-conspirator did: (1) purchase a lock pick set; (2) practice opening locks with the lock pick set; (3) go to the 14 Area Armory; (4) unlock the 14 Area Armory gate; (5) enter the 14 Area Armory; (6) pick the lock of a container; (7) unlock a container; (8) enter a container; (9) take ACOGs; and (10) sell ACOGs.	Guilty	Guilty

ORIGINAL  
EXHIBIT (23)

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Charge II: Violation of the UCMJ, Art 86	Not Guilty	Not Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, being a member of the 14 Area Guard, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, without authority, go from his post with intent to abandon the same.	Not Guilty	Not Guilty
Charge III: Violation of the UCMJ, Art 92	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, who knew of his duties with the 14 Area Guard, at or near Marine Corps Base Camp Pendleton, California, on or about between 4 October 2009 and on or about 4 November 2009, was derelict in the performance of those duties in that he willfully failed to keep the 14 Area Armory Secure, as it was his duty to do.	Guilty	Guilty
Charge IV: Violation of the UCMJ, Art 128	Guilty	Guilty
Specification 1: In that (b) (6), U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 4 October 2009 and on or about 11 December 2009, without proper authority, sell to an unknown civilian, Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Specification 2: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6), U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty



Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6) (b) (6)

Specification 3: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, without proper authority, sell to (b) (6), U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Charge V: Violation of the UCMJ, Art 121	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, steal Advanced Combat Optical Gun sights (ACOGs), military property, of a value of greater than \$500, military property owned by the United States Government.	Guilty	Guilty
Charge VI: Violation of the UCMJ, Art 130	Guilty	Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, between on or about 4 October 2009 and on or about 4 November 2009, unlawfully enter a container in the 14 Area Armory, the property of the U. S. Government, with intent to commit a criminal offense, to wit: larceny of Night Vision Goggles (NVGs) and Advanced Combat Optical Gun sights (ACOGs), of a value of greater than \$500, military property owned by the U. S. Government, therein.	Guilty	Guilty
Charge VII: Violation of the UCMJ, Art 134	Not Guilty	Not Guilty
Specification: In that (b) (6), U. S. Marine Corps, on active duty, was, at or near Marine Corps Base Camp Pendleton, California, between 4 October 2009 and on or about 4 November 2009, disorderly, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	Not Guilty	Not Guilty

3. Partial acquittal based on mental incompetence: N/A

4. Military Judge: (b) (6), U.S. Marine Corps.

5. Sentence adjudged:



Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

Discharge: BCD	Confinement: 12 months
Reduction: E-1	Forfeitures: \$964 a month for 12 months
Additional punishment: None	Military Judge's recommendation: None

6. Date sentence adjudged: 3 December 2010. Automatic forfeitures become effective 17 December 2010 (14 days after date sentence was announced) unless written notice of deferment by the convening authority is received by authorities with responsibility for the accused's service and pay records. Absent such written notice of deferment, action by those authorities in this case giving effect to the automatic sentence must occur by 17 December 2010. Trial counsel must be provided the originals of such written approved deferments for inclusion in the record of trial (R.C.M. 1103).

7. Credits to be applied to confinement, if any:

- a. Pretrial Confinement: None.
- b. Judicially-ordered credits: None.
- c. Total credits: None.

8. Sentence limitation terms of the pretrial agreement:

a. Punitive Discharge: May be approved as adjudged. I agree that, should a punitive discharge be adjudged, I will submit, within 5 days from the date of the conclusion of my trial, a written request to be placed on voluntary appellate leave without pay or allowances.

b. Confinement: May be approved as adjudged. However, all confinement in excess of 90 days will be suspended for 12 months from the date the confinement is adjudged, at which time, unless sooner vacated, the suspended portion will be remitted without further action. This Agreement constitutes my request for, and the convening authority's approval of, deferment of all confinement suspended pursuant to the terms of this Agreement. The period of deferment will run from the date of adjournment of this court-martial until the date the convening authority acts on the sentence.

- c. Forfeitures and Fines: May be approved as adjudged.
- d. Reduction: May be approved as adjudged
- e. Other lawful punishments: May be approved as adjudged.

9. DNA collection is required per 10 U.S.C. Sec. 1565:

\_\_\_\_\_ No ☒ Yes

\*Qualifying Military Offenses (QMO) for DNA processing are any offense under the UCMJ punishable by a sentence of confinement for more than one year (regardless of the sentence imposed). This includes Attempt (Article 80), Conspiracy (Article 81) or solicitation of another to commit a QMO (Article 134). See Undersecretary of Defense for Personnel and readiness Memo of 18 Apr 05 for further guidance on Qualifying military Offenses. If collections required, collection may be effected before the convening authority acts.

Subj: REPORT OF RESULTS OF TRIAL ICO (b) (6)

10. Upon convening authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071:

☒ No ☐ Yes

See DODINST 1325.7, Administration of Military Correctional Facilities and Clemency and Parole Authority, July 17, 2002, Enclosure 27 for a list of offenses requiring sex offender notifications.

(b) (6)

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# RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED (Last, First, MI) <b>(b) (6)</b>	b. GRADE OR RANK Corporal	c. UNIT OR ORGANIZATION OF ACCUSED I MHG, I MEF	d. SSN <b>(b) (6)</b>
2a. NAME OF CONVENING AUTHORITY (Last, first, mi) <b>(b) (6)</b>	b. RANK Lieutenant Colonel	c. POSITION Commanding Officer	d. ORGANIZATION OF CONVENING AUTHORITY I MHG, I MEF
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state) <b>(b) (6)</b>	b. RANK Captain	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL OFFICER I MHG, I MEF	
(Check appropriate answer)			
4. At a preliminary proceeding held on <u>16 December 2010</u> , the summary court-martial gave the accused a copy of the charge sheet.			YES X NO
5. At that preliminary proceeding the summary court-martial informed the accused of the following:			
a. The fact the charge(s) had been referred to a summary court-martial for trial and the date of referral.			X
b. The identity of the convening authority.			X
c. The name(s) of the accuser(s).			X
d. The general nature of the charge(s).			X
e. The accused's right to object to trial by summary court-martial.			X
f. The accused's right to inspect the allied papers and immediately available personnel records.			X
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.			X
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.			X
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.			X
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.			X
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.			X
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.			X
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.			X
n. The accused's right to plead guilty or not guilty.			X
6. At the trial proceeding held on <u>16 DECEMBER 2010</u> the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input checked="" type="checkbox"/> did not object to trial by summary court-martial. <b>(b) (6)</b>			
(Note: The SCM may ask the accused to initial this entry at the time the election is made.) (Initial)			
7a. The accused <input type="checkbox"/> was <input checked="" type="checkbox"/> was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)			
b. NAME OF COUNSEL (Last, First, MI) N/A			c. RANK (If any) CIV
d. COUNSEL QUALIFICATIONS N/A			

DD Form 2329 84 AUG

ORIGINAL

EXHIBIT 24

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I Specification 1 Specification 2	G G G	G G G
Charge II Specification	G G	G G
Charge III Specification 1 Specification 2 Specification 3	G G G G	G G G G
I have received a copy of this record of trial (b) (6)		
I waive my right to request clemency (b) (6)		
I do not request deferment of confinement, if any (b) (6)		

9. The following sentence was adjudged: Reduction to Lance Corporal (E-3), Forfeiture of \$1282 pay per month for (1) month, and Restriction for 60 days.

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

(b) (6) ☒ YES ☐ NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

☒ YES ☐ NO

12. (b) (6) Trial Officer

Officer

Date 16 December 2010

#### ACTION BY CONVENING AUTHORITY

The sentence is approved and ordered executed. SNM is to be restricted to the limits of place of mess, duty, billet and worship and the most direct route to and from without suspension from duty for a period of 60 days. The record of trial and case file is forwarded to a judge advocate for review under Art. 64(a), UCMJ.

(b) (6)  
Lieutenant Colonel  
Rank

Signature of Convening Authority

Commanding Officer  
Position of Convening Authority

Date



# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) (b) (6)		2. SSN (b) (6)	3. RANK/RATE Cpl	4. PAY GRADE E-4
5. UNIT OR ORGANIZATION I MHG, I MEF, Camp Pendleton, CA 92055			6. CURRENT SERVICE a. INITIAL DATE 10 Sep 07 b. TERM 5 yrs	
7. PAY PER MONTH a. BASIC \$2,094.00		b. SEA/FOREIGN DUTY None	c. TOTAL \$2,094.00	
8. NATURE OF RESTRAINT OF ACCUSED None			9. DATE (S) IMPOSED Not Applicable	

## II. CHARGES AND SPECIFICATIONS

10. Charge I: Violation of the UCMJ, Article 81

Specification 1: In that (b) (6) U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, conspire with (b) (6) U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: sell between approximately one (1) and three (3) stolen Advanced Combat Optical Gun sight (ACOG), military property owned by the U. S. Government, in violation of Article 108 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) or his co-conspirator, did

- (1) offer one (1) ACOG to Lance Corporal Garrett M. Miner for sale;
- (2) exchange one (1) ACOG;
- (3) exchange between approximately \$200 and \$600; and
- (4) deliver one (1) ACOG to Lance Corporal Garrett M. Miner.

(CONTINUED ON THE SUPPLEMENTAL PAGE)

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6)	b. GRADE CPL	c. ORGANIZATION OF ACCUSER CLR-17, 1stMLG, MarForPac, CamPen, CA
d. SIGNATURE OF ACCUSER (b) (6)		e. DATE 26 Oct 10

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 26th day of October 2010, and signed the foregoing charge and specification under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

(b) (6)  
Typed Name of Officer  
Captain, USMC  
Grade and Service

CLR-17, 1stMLG, MarForPac, CamPen, CA  
Organization of Officer  
Judge Advocate  
Official Capacity to Administer Oaths  
(See R.C.M. 307(b)--must be commissioned officer)

DD F

S/N 0102-LF-000-4580

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12. On 29 Nov 20 10, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6)  
Typed Name of Immediate Commander

I MHG, I MEF, MarForPac, Camp Pendleton, CA  
Organization of Immediate Commander

Major, U. S. Marine Corps

(b) (6)

#### IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1300 hours, 29 Nov 20 10 at I MHG, I MEF,  
MarForPac, Camp Pendleton, CA  
Designation of Command or  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE<sup>1</sup> Commanding Officer

(b) (6)  
Typed Name of Officer

Executive Officer  
Official Capacity of Officer Signing

Major, U. S. Marine Corps

Grade

(b) (6)

Effective the date of referral, (b) (6) is hereby detailed as summary court-martial officer for the charge herein.

Signature

#### V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

I MHG, I MEF

Camp Pendleton, CA

29 Nov 10

Referred for trial to the Summary court-martial convened by The above notation.

dated \_\_\_\_\_ 20 \_\_\_\_\_, subject to the following instructions:<sup>2</sup> None.

By //////////////////// of \_\_\_\_\_  
Command or Order

(b) (6)  
Typed Name of Officer

Commanding Officer  
Official Capacity of Officer Signing

Lieutenant Colonel, U. S. Marine Corps

Grade

(b) (6)

15. On \_\_\_\_\_ 20 \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6)  
Typed Name of Trial Counsel

Captain, U. S. Marine Corps  
Grade or Rank of Trial Counsel

Signature

#### FOOTNOTES

- 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.



Specification 2: In that (b) (6) U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 24 October 2009 and on or about 8 November 2009, conspire with (b) (6) U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: sell one (1) stolen Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government, in violation of Article 108 of the UCMJ, and in order to effect the object of the conspiracy, the said (b) (6) or his co-conspirator, did

- (1) offer one (1) ACOG to Lance Corporal Garrett M. Miner for sale;
- (2) exchange one (1) ACOG;
- (3) exchange between approximately \$100 and \$300; and
- (4) deliver one (1) ACOG to Lance Corporal Garrett M. Miner.

Charge II: Violation of the UCMJ, Article 108

Specification: In that (b) (6) U. S. Marine Corps, on active duty, did, at an unknown location, on or about 11 December 2009, without proper authority, sell to an unnamed informant for NCIS, one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government.

Charge III: Violation of the UCMJ, Article 134

Specification 1: In that (b) (6) U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, wrongfully buy one (1) Advanced Combat Optical Gun sight, of a value of greater than \$500, military property owned by the U. S. Government, which property, the said (b) (6) then knew had been stolen.

Specification 2: In that (b) (6) U. S. Marine Corps, on active duty, was, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 25 December 2009, disorderly, which conduct was prejudicial to good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Specification 3: In that (b) (6) U. S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Pendleton, California, on or about 29 January 2010, wrongfully endeavor to impede an investigation of the missing Advanced Combat Optical Gun sights (ACOGs) from the 14 Area Armory, by coaching Private First Class Garrett M. Miner, U. S. Marine Corps, to lie to Special Agent NCIS (b)(6), (b)(7)(C) of the Naval Criminal Investigative Service which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

ORIGINAL



# RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED (Last, First, MI) <b>(b) (6)</b>	b. GRADE OR RANK Lance Corporal	c. UNIT OR ORGANIZATION OF ACCUSED 1stRadBn, I MHG	d. SSN <b>(b) (6)</b>
2a. NAME OF CONVENING AUTHORITY (Last, first, MI) <b>(b) (6)</b>	b. RANK Lieutenant Colonel	c. POSITION Commanding Officer	d. ORGANIZATION OF CONVENING AUTHORITY I MHG, I MEF
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state) <b>(b) (6)</b>	b. RANK Captain	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL OFFICER I MHG, I MEF	

(Check appropriate answer)	YES	NO
4. At a preliminary proceeding held on <u>20 December 2010</u> , the summary court-martial gave the accused a copy of the charge sheet.	X	
5. At that preliminary proceeding the summary court-martial informed the accused of the following:		
a. The fact the charge(s) had been referred to a summary court-martial for trial and the date of referral.	X	
b. The identity of the convening authority.	X	
c. The name(s) of the accuser(s).	X	
d. The general nature of the charge(s).	X	
e. The accused's right to object to trial by summary court-martial.	X	
f. The accused's right to inspect the allied papers and immediately available personnel records.	X	
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.	X	
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.	X	
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.	X	
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.	X	
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.	X	
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.	X	
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.	X	
n. The accused's right to plead guilty or not guilty.	X	

6. At the trial proceeding held on 20 DECEMBER 2010 the accused, after being given a reasonable time to decide, ☐ did ☒ did not object to trial by summary court-martial. **(b) (6)**  
(Note: The SCM may ask the accused to initial this entry at the time the election is made.) (Initial)

7a. The accused <input type="checkbox"/> was <input checked="" type="checkbox"/> was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)	
b. NAME OF COUNSEL (Last, First, MI) N/A	c. RANK (If any) CIV
d. COUNSEL QUALIFICATIONS N/A	

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ORIGINAL

EXHIBIT (25)



8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I Specification 1 Specification 2	G G G	G G G
Charge II Specification	G G	G G
Charge III Specification 1 Specification 2	G G G	G G G
I have received a copy of this record of trial (b) (6)		
I waive my right to request clemency (b) (6)		
I do not request deferment of confinement, if any (b) (6)		

9. The following sentence was adjudged:

Reduction to Private (E-1), forfeiture of \$964 pay per month for (1) month and restriction for 60 days.

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

☒

YES

☐

NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

☒

YES

☐

NO

1 (b) (6) Martial Officer

Signature of Summary Court Martial Officer

Date

20 December 2010

#### ACTION BY CONVENING AUTHORITY

The sentence is approved and ordered executed. SNM is to be restricted to the limits of place of mess, duty, billet and worship and the most direct route to and from without suspension from duty for a period of 60 days. The record of trial and case file is forwarded to a judge advocate for review under Art. 64(a), UCMJ.

(b) (6)  
Typed Name of Convening Authority

Lieutenant Colonel  
Rank

Signature of Convening Authority

Commanding Officer  
Position of Convening Authority

Date

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ORIGINAL

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) (b) (6)	2. SSN (b) (6)	3. RANK/RATE LCpl	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 1stRadBn, I MHG, I MEF, Camp Pendleton, CA 92055		6. CURRENT SERVICE	
		a. INITIAL DATE 10 Mar 08	b. TERM 4 yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$1,813.20	b. SEAFORIGN DUTY None	c. TOTAL \$1,813.20	9. DATE (S) IMPOSED Not Applicable

## ADDITIONAL

## II. CHARGES AND SPECIFICATIONS

10. Charge I: Violation of the UCMJ, Article 81

Specification 1: In that (b) (6) U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 1 December 2009 and 25 December 2009, conspire with (b) (6) U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: sell one (1) stolen Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government, in violation of Article 108 of the UCMJ, and in order to effect the object of the conspiracy the said (b) (6) and his co-conspirator did

- (1) offer one (1) ACOG to Lance Corporal Garrett M. Miner for sale;
- (2) exchange one (1) ACOG;
- (3) exchange approximately \$160; and
- (4) deliver one (1) ACOG to Lance Corporal Garrett M. Miner.

(CONTINUED ON THE SUPPLEMENTAL PAGE)

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6)	b. GRADE CPL	c. ORGANIZATION OF ACCUSER CLR-17, 1stMLG, MarForPac, CamPen, CA
d. SIGNATURE (b) (6)	e. DATE 26 Oct 10	

AFFIDAVIT: I, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 26th day of October 20 10, and signed the foregoing charge and specification under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

(b) (6)  
Typed Name of Officer  
Captain, USMC  
Grade and Service

CLR-17, 1stMLG, MarForPac, CamPen, CA  
Organization of Officer

Judge Advocate

Official Capacity to Administer Oaths  
(See R.C.M. 307(b)-must be commissioned officer)

ORIGINAL



12. On 16 November 20 10, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

1stRadBn, I MHG, I MEF, MarForPac, Camp Pendleton, CA

(b) (6)  
Typed Name of Immediate Commander

Organization of Immediate Commander

First Lieutenant, U. S. Marine Corps

(b) (6)

**SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 0730 hours, 16 Nov 20 10 at 1stRadBn, I MHG, I MEF, MarForPac, Camp Pendleton, CA  
Designation of Command or  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE<sup>1</sup> Commanding Officer

Legal Officer

Official Capacity of Officer Signing

(b) (6)  
Typed Name of Officer

First Lieutenant, U. S. Marine Corps

(b) (6)

Effective the date of referral, (b) (6)  
is hereby detailed as summary court-martial officer for the charge herein.

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

I MHG, I MEF

Camp Pendleton, CA

6 Dec 2010

Referred for trial to the Summary court-martial convened by The above notation.

dated \_\_\_\_\_ 20 \_\_\_\_\_, subject to the following instructions:<sup>2</sup> None.

By //////////////////// of \_\_\_\_\_  
Command or Order

(b) (6)  
Typed Name of Officer

Commanding Officer

Official Capacity of Officer Signing

Lieutenant Colonel, U. S. Marine Corps

(b) (6)

15. On 6 Dec 20 10, I caused to be served a copy hereof on (each of) the above named accused.

(b) (6)  
of Trial Counsel

Captain, U. S. Marine Corps

Grade or Rank of Trial Counsel

(b) (6)

Appropriate commander signs personally, inapplicable words are stricken.

<sup>2</sup> - See R.C.M. 301(e) concerning instructions. If none, so state.

Specification 2: In that (b) (6), U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and 25 December 2009, conspire with (b) (6), U. S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: sell one (1) stolen Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government, and in order to effect the object of the conspiracy the said (b) (6) and his co-conspirator did

- (1) offer one (1) ACOG to Lance Corporal Garrett M. Miner for sale;
- (2) exchange one (1) ACOG;
- (1) exchange between approximately \$100 and \$400; and
- (3) deliver one (1) ACOG to Lance Corporal Garrett M. Miner.

Charge II: Violation of the UCMJ, Article 108

Specification: In that (b) (6), U. S. Marine Corps, on active duty, did, at an unknown location, between on or about 1 December 2009 and on or about 25 December 2009, without proper authority, sell to Lance Corporal Garrett M. Miner, U. S. Marine Corps, one (1) Advanced Combat Optical Gun sight, of a value of greater than \$500, military property owned by the U. S. Government.

Charge III: Violation of the UCMJ, Article 134

Specification 1: In that (b) (6), U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, wrongfully buy one (1) Advanced Combat Optical Gun sight, of a value of greater than \$500, military property owned by the U. S. Government, which property, as he, the said (b) (6), then knew, had been stolen.

Specification 2: In that (b) (6), U. S. Marine Corps, on active duty, was, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 25 December 2009, disorderly, which conduct was prejudicial to good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

ORIGINAL



# RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1. NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK	c. UNIT OR ORGANIZATION OF ACCUSED	d. SSN
MINER, Garrett M.	Lance Corporal	SctyBn, MCB	5764
2a. NAME OF CONVENING AUTHORITY (Last, first, MI)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENING AUTHORITY
(b) [REDACTED]	Colonel	Commanding Officer	SctyBn, MCB
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state)	b. RANK	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL OFFICER	
(b) (6) [REDACTED]	Captain	SCTYBn, MCB	
(Check appropriate answer)			YES NO
4. At a preliminary proceeding held on <u>5 January 2011</u> , the summary court-martial gave the accused a copy of the charge sheet.			<u>now</u>
5. At that preliminary proceeding the summary court-martial informed the accused of the following:			
a. The fact the charge(s) had been referred to a summary court-martial for trial and the date of referral.			X
b. The identity of the convening authority.			X
c. The name(s) of the accuser(s).			X
d. The general nature of the charge(s).			X
e. The accused's right to object to trial by summary court-martial.			X
f. The accused's right to inspect the allied papers and immediately available personnel records.			X
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.			X
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.			X
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.			X
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.			X
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.			X
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.			X
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.			X
n. The accused's right to plead guilty or not guilty.			X
6. At the trial proceeding held on <u>5 JANUARY 2011</u> the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input checked="" type="checkbox"/> did not object to trial by summary court-martial.			
(Note: The SCM may ask the accused to initial this entry at the time the election is made.) <span style="float: right;">(Initial)</span>			
7a. The accused <input type="checkbox"/> was <input checked="" type="checkbox"/> was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)			
b. NAME OF COUNSEL (Last, First, MI)			c. RANK (If any) CIV
N/A			
d. COUNSEL QUALIFICATIONS			
N/A			

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ORIGINAL

EXHIBIT (26)

The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:		
CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (including any exceptions and substitutions)
Charge Specification	G G	G G
<p>I have received a copy of this record of trial <u>from</u> _____</p> <p>I waive my right to request clemency <u>from</u> _____</p> <p>I do not request deferment of confinement, if any <u>from</u> _____</p>		
9. The following sentence was adjudged: Reduction to Private (E-1). Forfeiture of \$964 pay per month for (1) month. 45 days of hard labor without confinement.		
10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)  <div style="display: flex; justify-content: space-around;"> <span><input checked="" type="checkbox"/> YES</span> <span><input type="checkbox"/> NO</span> </div>	11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.  <div style="display: flex; justify-content: space-around;"> <span><input checked="" type="checkbox"/> YES</span> <span><input type="checkbox"/> NO</span> </div>	
Authentication by Summary Court-Martial Officer <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>(b) (6)</u>              Signature of Summary Court-Martial Officer           </div> <div style="width: 45%;"> <u>5 January 2011</u>              Date           </div> </div>		
ACTION BY CONVENING AUTHORITY  The sentence is approved and ordered executed. The record of trial and case file is forwarded to a judge advocate for review under Art. 64(a), UCMJ.		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>(b) (6)</u>              Colonel              Rank  <u>(b) (6)</u>              Signature of Convening Authority           </div> <div style="width: 45%;"> <u>Commanding Officer</u>              Position of Convening Authority   <u>5 JAN 11</u>              Date           </div> </div>		

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ORIGINAL



# CHARGE SHEET

I. PERSONAL DATA				
1. NAME OF ACCUSED (Last, First, MI)		2. SSN	3. RANK/RATE	4. PAY GRADE
MINER, Garrett M.		494 04 5764	LCpl	E-3
5. UNIT OR ORGANIZATION			6. CURRENT SERVICE	
SctyBn, MCB, Camp Pendleton, CA 92055			a. INITIAL DATE	b. TERM
			7 Jul 09	5 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$1,705.80	None	\$1,705.80	None	
			9. DATE (S) IMPOSED	
			Not Applicable	

## II. CHARGES AND SPECIFICATIONS

10. Charge I: Violation of the UCMJ, Article 134

Specification: In that Lance Corporal Garrett M. Miner, U. S. Marine Corps, on active duty, did, on board Marine Corps Base Camp Pendleton, California, between on or about 24 October 2009 and on or about 8 November 2009, wrongfully buy one (1) Advanced Combat Optical Gun sight (ACOG), of a value of greater than \$500, military property owned by the U. S. Government, which property, the said Lance Corporal Garrett M. Miner then knew had been stolen.

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
(b) (6)	CPL	CLR-17, 1stMLG, MarForPac, CamPen, CA
d. SIGNATURE OF ACC	e. DATE	
(b) (6)	26 Oct 10	

AFFIDAVIT: Before [redacted] authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 26th day of October 2010, and signed the foregoing charge and specification under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

(b) (6)  
 \_\_\_\_\_  
 Typed Name of Officer  
 \_\_\_\_\_  
 Captain, USMC  
 Grade and Service

CLR-17, 1stMLG, MarForPac, CamPen, CA  
 \_\_\_\_\_  
 Organization of Officer  
 \_\_\_\_\_  
 Judge Advocate  
 Official Capacity to Administer Oaths  
 (See R.C.M. 307(b)--must be commissioned officer)

(b) (6)  
 \_\_\_\_\_  
 \_\_\_\_\_

12. On 27 OCT, 20 10, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6)

Typed Name of Immediate Commander

SctyBn, MCB, MarForPac, Camp Pendleton, CA

Organization of Immediate Commander

Major, U. S. Marine Corps

Grade

(b) (6)

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1000 hours, 27 OCT, 20 10 at SctyBn, MCB,

Designation of Command or

MarForPac, Camp Pendleton, CA

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE<sup>1</sup> Commanding Officer

Executive Officer

Official Capacity of Officer Signing

(b) (6)

Typed Name of Officer

Major, U. S. Marine Corps

Grade

(b) (6)

Effective the date of referral, \_\_\_\_\_  
is hereby detailed as summary court-martial officer for the charge herein.

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

SctyBn, MCB

CamPen, CA

DEC 7 2010

Referred for trial to the Summary court-martial convened by The above notation.

dated \_\_\_\_\_, 20 \_\_\_\_\_, subject to the following instructions:<sup>2</sup> None

By //////////////////// Of \_\_\_\_\_

Command or Order

(b) (6)

Typed Name of Officer

Commanding Officer

Official Capacity of Officer Signing

Colonel, U. S. Marine Corps

Grade

(b) (6)

Signature

15. On \_\_\_\_\_, 20 \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6)

Name of Trial Counsel/Summary Court-Martial Officer

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel/Summary Court-Martial Officer

Signature

FOOTNOTES

1 - When an appropriate commander signs personally, inapplicable words are stricken.

2 - See R.C.M. 601(e) concerning instructions. If none, so state.